

1-6-1905

# George G. DeWitt and Mary R. Goelet against Mary R. Goelet, Mary W. Goelet, and Robert Goelet

New York Supreme Court

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AT A SPECIAL TERM of the New York Supreme Court, held at Part II thereof in and for the County of New York at the County Court House in said County on the 26 day of March, 1901.

PRESENT:

HON. David Mc Adam  
Justice.

-----X  
George G . DeWitt and Mary R. Goelet as  
Executors of, and Trustees under, the  
last will and testament of Ogden Goelet,  
deceased,  
Plaintiffs,  
— against —  
Mary R. Goelet, individually, Mary W.  
Goelet and Robert Goelet,  
Defendants.  
-----X

This action having been referred to Henry E. Howland, Esq., counsellor at law, by an order of this Court made and entered herein on the 23rd day of November, 1900, to take proof of the facts and circumstances of the case, to examine, take, state and pass the account of the proceedings of the plaintiffs as Executors of and Trustees under the last will and testament of Ogden Goelet, deceased, and to ascertain and compute the amount of commissions to which the plaintiffs are entitled and to hear, determine and decide all the issues in this action and the said referee having duly proceeded to a trial and hearing of this action and having taken proof of the facts and circumstances of the case and having examined, taken, stated and passed the accounts of the proceedings of the plaintiffs and ascertained and awarded to them the amount of commissions to which they are entitled and having heard, determined and decided all the issues therein, and duly made his report and decision bearing date the 25<sup>th</sup> day of March, 1901, stating separately his Findings of Fact and Conclusions of Law and directing that judgment be entered, construing the testator's will and settling

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and allowing the plaintiffs accounts as Executors and Trustees and ratifying and confirming their acts and proceedings as Executors and Trustees with respect to the testator's real and personal estate and the several trusts created by said will and allowing their commissions as Executors and as Trustees and directing distribution and further administration of the testator's estate and awarding costs (including disbursements for lithographing and copies of papers) to the various parties appearing herein with such extra allowance as may be granted by the Court according to and in conformity with the said Findings of Fact and Conclusions of Law.

Now on reading and filing said referee's report and decision and after hearing William G. DeWitt, Esq., attorney for the plaintiffs; Arthur D. Weekes, Esq., attorney for the defendant Robert Goelet; Henry de Forest Weekes, Esq., of counsel for the defendant Mary W. Goelet and Mortimer Bishop, Esq., attorney for the defendant Mary R. Goelet, individually, and on motion of William G. DeWitt, Esq., attorney for the plaintiffs,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the several Findings and Conclusions found and set forth in said referee's report be and the same are hereby adjudged and determined as between the parties to this action, and that all the parties to this action and their successors in interest be and they are in all respects bound thereby.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiffs as Executors of and Trustees under the last will and testament of Ogden Goelet, deceased, have fully and faithfully performed their several duties as Executors and Trustees aforesaid and have fully and properly accounted for all the assets <sup>and</sup> property, principal and income belonging to the estate



of the annuity given to her by the said seventh clause of testator's Will as provided and adjudged in the above mentioned judgment and to the payment of the taxes and water rates as aforesaid.

And the said Robert Goelet party of the second part in consideration of the payment, transfer and delivery of said securities and cash to him as aforesaid, doth hereby release and discharge the said Mary R. Goelet, George G. DeWitt and Robert Goelet both individually and as Executors and Trustees as aforesaid from all further claim, demand or liability whatsoever on account thereof.

, IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

In presence of:

*[Handwritten signature]*

*Mary R. Goelet*  
*Ex'r & Trustee*  
*George G. DeWitt*  
*Ex'r & Trustee*  
*Robert Goelet*  
*Ex'r & Trustee*  
*Robert Goelet*  
*Mary R. Goelet*

STATE OF NEW YORK, :  
:SS.:  
COUNTY OF NEW YORK, :

On this 6<sup>th</sup> day of January, 1905 before me personally came MARY R. GOELET to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same.

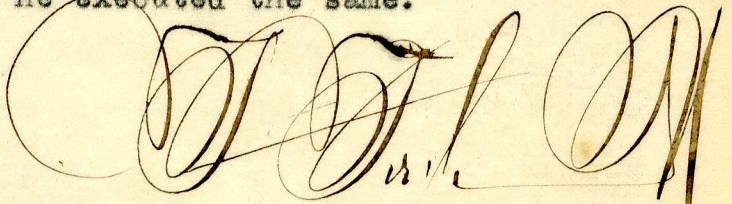
*[Handwritten signature]*

Notary Public, Kings Co.  
Certificate filed in New York Co.



STATE OF NEW YORK, :  
:SS.:  
COUNTY OF NEW YORK, :

On this 6<sup>th</sup> day of January, 1905, before me personally came GEORGE G. DeWITT to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.



STATE OF NEW YORK, :  
:SS.:  
COUNTY OF NEW YORK, :

Notary Public, Kings Co.  
Certificate filed in New York Co.

On this 6<sup>th</sup> day of January, 1905, before me personally came ROBERT GOELET to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

